

REMARKS/ARGUMENTS

The Applicant notes then that claims 1 - 15 are pending. New independent claims 16, 21 and 24 and their respective dependent claims 17 – 20, 22-23, and 25 have been added. The Applicant also notes that claims 1 - 15 presently stand rejected by the Examiner under 35 USC § 103(a) as being unpatentable over US Patent Publication No. US 2002/090072 A1 (Serial No. 09/757,754), filed January 9, 2001, by Brent Rumsey (hereinafter “Rumsey”). Applicant notes Examiner has erroneously stated in the Office Action mailed October 7, 2003, part 3, the filing date of Rumsey as January 9, 1999.

Claim Rejections under 35 USC § 103(a)

The Rule 131 Affidavit (37 CFR § 1.131) executed as a declaration, included in the Appendix herewith, evidences Applicant’s invention date of October 20, 2000. Accordingly, the Applicant’s invention antedates the filing date of Rumsey. The Applicant respectfully submits that with the Rule 131 declaration, Rumsey is removed as a citable reference under 35 USC § 102(e). With the removal of Rumsey as a §102(e) reference, Rumsey is removed as a § 103(a) reference. Because Rumsey is used as a reference by the Examiner for claims 1-15, the Applicant respectfully submits that with the removal of Rumsey as a § 103(a) reference, claims 1-15 are allowable.

New Claims

The Applicant has added new independent claims 16, 21 and 24 and their respective dependent claims 17 – 20, 22-23, and 25. These claims find full support in the specification and no new matter has been added. The applicant respectfully submits that claims 16-25 are in a condition for allowance.

In view of the above amendments, remarks and attached Rule 131 declaration with exhibit, consideration and favorable action on claims 1-25 is respectfully requested. Accordingly, the Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Should any question remain in view of his communication, the Examiner is encouraged to call the undersigned so that a prompt disposition of this application can be achieved.

With the addition of three independent claims and eight dependent claims, the total number of independent claims presently pending is six and the total number of claims presently pending is twenty-five. With three independent claims in excess of three and five total claims in excess of twenty, the applicant encloses a check in the amount of \$348 with this response and authorization is hereby given to charge any additional fees, and credit any overcharges pertaining to the prosecution of this matter to Deposit Account No. **02-3979**.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael B. Brooks". The signature is fluid and cursive, with the first name "Michael" and last name "Brooks" clearly distinguishable.

Dr. Michael B. Brooks, Esq.
Registration Number 39,921

Telephone No. (818) 225-2920
FAX (818) 225-1569

Michael Blaine Brooks, P.C.
5010 N. Pkwy Calabasas, Suite 104
Calabasas, CA 91302-3913



APPENDIX

Declaration under 37 CFR §1.131

I, Michael S. Wengrovitz, of Concord, Massachusetts, hereby declare that:

1. The invention presently titled in patent application no. 09/859, 629, as "SECURE INTERNET-BASED CALL ACCOUNTING SERVICES" was conceived by me alone October 10, 2000, and fully described as an invention October 20, 2000, in the document enclosed herewith entitled "A Novel Architecture for ASP-based Call Accounting Based on the Intelligent Ticket Collector (ITC)" that was provided and described on October 20, 2000, to Dr. Jack Jachner, Director of Engineering Development, Alcatel of Salem, Massachusetts.
2. The invention, as described in the enclosed exhibit document of October 20, 2000, was submitted for preparation as a patent application and filed May 17, 2001.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Executed this 22ND day of January 2004.


Michael S. Wengrovitz

RECEIVED
FEB 05 2004
GROUP 3000